

REMARKS/ARGUMENTS

Claims 10-13 are pending in the Application. This paper is being filed in response to the Advisory Action of August 2, 2006 which indicates that Applicants' Response To Final Office Action filed on July 12, 2006 overcomes the prior rejection of claims 10 and 11 but not the rejection of claims 12 and 13. No new matter is involved.

On page 2 of the Advisory Action of August 2, 2006, the rejection of claims 12 and 13 on prior art is maintained. Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe '822 in view of Wolf. Claim 13 stands rejected under 35 U.S.C. § 102(e) as being unpatentable over Abe '822.

In continuing the rejection of claims 12 and 13 on these grounds, page 2 of the Advisory Action states that claim 13 merely requires using a seed crystal which does not have a straight body portion but has a body shape selected from a cone shape or a pyramid shape. Abe is said to clearly teach a seed crystal with a body shape comprising a conical shape or a pyramidal shape, with reference being made to lines 60-65 of col. 8 thereof. Claims 13 is further said to use "comprising" language so as not to be limited to seed crystals with only cone or pyramid shapes. Lastly, it is stated on page 2 that Abe teaches a seed crystal which does not have a straight portion (i.e. the conical or pyramid portions) so that it meets the claimed limitations.

In reviewing the continued rejection of claims 12 and 13 on the grounds described above, Applicants believe that reference to "a straight body portion" is being misconstrued. For example, allowed claims 10 and 11 both contain the recitation "performing necking operation". Yet rejected claims 12 and 13 differ from allowable claims 10 and 11 only in reciting "without performing necking operation". The method set forth in each of claims 10-13 uses the same seed crystal. However,

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only claims 12 and 13 are rejected because Abe is said to disclose the seed crystal. Claims 10 and 11 are allowed even though the same seed crystal is used therein as in the case of claims 12 and 13. Moreover, coverage of the seed crystal has been allowed in the parent application as pointed out in the Response To Final Office Action of July 12, 2006.

Consequently, the rejection of claims 12 and 13 and the indication that claims 10 and 11 are allowable are contradictory and also contradict the allowance of claims to the seed crystal in the parent application. Again, and as previously pointed out by Applicants, claim 1 of U.S. Patent 6,670,036 which is the parent of this divisional application recites "A silicon seed crystal which is composed of silicon single crystal and used for the Czochralski method, or in oxygen concentration in the seed crystal is 12ppma (JEIDA) or less".

Thus, the continued rejection of claims 12 and 13 is improper for the reasons set forth above and is inconsistent with the allowance of very similar claims 10 and 11, as discussed above.

Reconsideration and allowance of claims 12 and 13 along with claims 10 and 11 is respectfully requested.

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Respectfully submitted,

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